

**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/796,249
Filing Date	March 9, 2004
First Named Inventor	Shane S. Owara
Title	SYSTEM AND METHOD FOR INDEXING A BACKUP USING PERSISTENT CONSISTENCY POINT IMAGES
Examiner	Not yet assigned
Art Unit	2167
Atty Docket Number	112056-0167

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1.	(Submission required under 37 CFR 1.114)	Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
a.	<input type="checkbox"/> Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.	
i.	<input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____	
ii.	<input type="checkbox"/> Other _____	
b.	<input checked="" type="checkbox"/> Enclosed	
i.	<input checked="" type="checkbox"/> Amendment/Reply	iii. <input type="checkbox"/> Information Disclosure Statement (IDS)
ii.	<input type="checkbox"/> Affidavit(s)/Declaration(s)	iv. <input type="checkbox"/> Other _____
2.	<b>Miscellaneous</b>	
a.	<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)	
b.	<input type="checkbox"/> Other _____	
3.	<b>Fees</b> The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. <u>03-1237</u> .	
a.	<input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e) <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) <input type="checkbox"/> Other _____	
b.	<input type="checkbox"/> Check in the amount of \$ _____ enclosed	
c.	<input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SUBMITTED BY**

Signature	/Michael T. Abramson/	Date	November 3, 2009
Name (Print/Type)	Michael T. Abramson	Registration No. (Attorney/Agent)	60,320

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	/Kristin Bigelow/	Date	November 3, 2009
Name (Print/Type):	Kristin Bigelow		